

legal career by clerking for Judge Laurence Silberman of the DC Circuit and then for Justice Antonin Scalia. These prestigious clerkships gave her the opportunity to work closely with two giants of the legal field. Today, she is a respected professor at the University of Notre Dame, where, by the way, she was honored as Distinguished Professor of the Year twice. Professor Barrett will bring a wealth of knowledge to the bench.

Professor Barrett happens to be a Catholic. Her faith is important to her. She has spoken freely about it and its impact on her life. But she also understands the role of a judge, which is not to let personal beliefs dictate how cases are decided.

Unbelievably, some on the political left, including some of our Democratic colleagues, are criticizing her because as a law student she cowrote a law journal article that argued just that. Her coauthor of the article, John Garvey, is now the president of Catholic University. He recently wrote the following:

Amy Barrett, a law professor at Notre Dame, was grilled on Wednesday by Democrats on the Senate Judiciary Committee about an article she and I wrote together in 1998 when I was a law professor and she was my student. In that article we argued that the death penalty was immoral, as the Catholic Church teaches (in common with Quakers, Episcopalians, Presbyterians, Methodists, and the 38 member communions in the National Council of Churches). We went on to say that a Catholic judge who held that view might, in rare cases, have to recuse herself under . . . [the] federal statute that asks a federal judge to step aside when she has conscientious scruples that prevent her from deciding a case in conformity with the facts and the law.

President Garvey went on to write:

Perhaps the Alliance for Justice, which has mounted a campaign to discredit Professor Barrett, didn't get that far in reading the article. Its website says this: "Stunningly, Barrett has asserted that judges should not follow the law or the Constitution when it conflicts with their personal religious beliefs. In fact, [this group claimed] Barrett has said that judges should be free to put their personal views ahead of their judicial oath to faithfully follow the law."

President Garvey noted, however:

Barrett (and I) said no such thing—

No such thing—

We said precisely the opposite.

This opposition to Professor Barrett is so upside down that it leaves people like President Garvey wondering whether there is something else going on here. President Garvey concluded:

The case against Prof. Barrett is so flimsy that you have to wonder whether there isn't some other, unspoken, cause for their objection.

The president of Notre Dame also weighed in about these criticisms of Professor Barrett. Here is some of what he said in his letter to the ranking member of the Judiciary Committee:

Your concern, as you expressed it, is that "dogma lives loudly in [Professor Barrett], and that is a concern when you come to big issues that large numbers of people have fought for years in this country."

I am one in whose heart "dogma lives loudly," as it has for centuries in the lives of many Americans, some of whom have given their lives in service to this nation. . . . It is chilling to hear from a United States Senator that this might now disqualify someone from service as a federal judge. I ask you and your colleagues to respect those in whom "dogma lives loudly"—which is a condition we call faith.

A condition we call faith.

For the attempt to live such faith while one upholds the law should command respect, not evoke concern.

Professor Barrett has made it clear that she would "follow unflinchingly" all legal precedent and, in rare cases in which her conscience would not allow her to do so, she would recuse herself.

I will say that again:

. . . in rare cases in which her conscience would not allow her to do so, she would recuse herself.

I can assure you that she is a person of integrity who acts in accord with the principles she articulates.

Let me remind colleagues that article VI of the Constitution provides that "no religious test shall ever be required as a qualification to any office." That is the U.S. Constitution. According to the Founders, this was done to ensure that "the people may employ any wise or good citizen in the execution of the various duties of the government."

Professor Barrett of Notre Dame is just such a wise and good person, and when the Senate confirms her to the Seventh Circuit, our judiciary and our Nation will be better off.

I strongly support her nomination and would urge my colleagues to do the same.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, good afternoon. This morning, the former chairman of the Trump campaign for President and a close associate turned themselves in to Federal authorities on a dozen charges, including acting as unregistered agents of a foreign power and conspiracy against the United States. The indictments of Mr. Manafort and Mr. Gates show that the special counsel's probe is progressing in a very serious way. Mueller is moving forward.

What we know now is that an alleged unregistered foreign agent, who is charged with laundering tens of millions of dollars from foreign governments on behalf of their agenda, was given a chairmanship of a campaign for the Presidency of the United States and, with it, untold influence on the future President and his party. We know that Mr. Manafort has had continuing contact with the President since his resignation from the campaign.

Just as shocking was the admission by a Trump campaign adviser that he met with a Kremlin contact to discuss so-called "dirt" on Secretary Clinton. While we know that Mr. Papadopolous had extensive email exchanges with other Trump officials regarding his outreach to Russian officials, his admission released today raises many more questions than it answers. Mr. Mueller and his team should be allowed to seek answers to those questions without interference from the President or anyone else.

The stakes could not be higher. We are talking about the pride and wellspring of our grand democracy—free and fair elections—which have been going on for more than two centuries and were disturbed and adulterated by a hostile, foreign power, with no good intent for the people of this country. It is critical that we need to get to the bottom of this. That is Special Counsel Mueller's job, and he must be allowed to perform it without interference.

The rule of law is paramount in America. We pride ourselves on it. The investigation must be allowed to proceed unimpeded. The President must not, under any circumstances, in any way, interfere with the special counsel's work. If he does, Congress must respond swiftly, unequivocally, and in a bipartisan way to ensure that the investigation continues and the truth—the whole truth comes out.

#### JUDICIAL NOMINATIONS

Mr. SCHUMER. On judges, Mr. President, this week the majority leader has scheduled votes on four circuit court nominations. It is the first time, in my memory, that the Senate is being asked to process four circuit court judges in a single week. The circuit courts have an immense influence on our country, adjudicating some of the thorniest of legal issues. Only the rarest and most vexing circuit court decisions are appealed to and taken up by the Supreme Court. For this reason, we typically don't sandwich circuit court nominees back to back to back to back only a week—only a week—after they have emerged from committee because Members who are not on the Judiciary Committee usually need time—always need time to review these candidates for such important, powerful, and far-reaching positions.

Why has the majority leader departed from this practice? Well, one can argue it is because the Republican agenda has been such a failure in this Congress, the leader has chosen to try and accomplish through the courts what Republicans have been unable to achieve through the legislative process. The Republican agenda has been so unpopular with the American people that it has stalled at every juncture so now they have made a brazen move to pack the courts with activist judges and remake them in their conservative, ideological image.

Why has the majority leader done it? The hard right, frustrated by the failure of repeal and replace, has, for months, been pressuring Senator MCCONNELL to do something aggressive. Senator MCCONNELL, once again, despite his desire to make the Senate work—and I believe that is sincere—is bending to the hard right of his party by jamming through these judges, breaking the norms and traditions of the Senate in the process. I intend to oppose these extremist nominees.

#### REPUBLICAN TAX PLAN

Mr. SCHUMER. Finally, Mr. President, on taxes, the Republicans have promised to release the details of their tax plan this week. After months of talking about a plan with very few specifics, we will finally get to see how the Republican leadership plans to rewrite the Tax Code. From all indications so far, the details of the Republican tax plan will be cheered by those in the country clubs and corporate boardrooms. Working Americans, on the other hand, might not have very much to cheer about.

The top 1 percent, law firms, hedge fund managers, can celebrate a lower top rate and an enormous new tax loophole in the form of lower rates on passthroughs. People who will most take advantage of these passthroughs are not small businesses. They can't afford all the lawyers and stuff. It will be the biggest, the most powerful, the richest, the wealthiest 5,200 families in America—those with estates over \$5 million—who can celebrate the absurd repeal of the estate tax. Corporate America can celebrate hundreds of billions in tax cuts, which large corporations usually spend, not on new jobs—it is not what the history shows—but on CEO bonuses, stock buybacks, dividends. So while the wealthy and well-off will be busy celebrating the new tax breaks they might get if the Republican plan passes, working America will be looking over their shoulder at some real tax hikes.

Republicans are debating how to eliminate or reduce State and local deductibility—a bedrock, middle-class deduction claimed by nearly one-third of all taxpayers, the vast majority of whom make less than \$200,000 a year. The Republican framework says they are going to eliminate the deduction, which totals tens of thousands of dollars a year for many working families. That is why removing State and local raises \$1.3 trillion in revenue, and the GOP plans to spend that tax increase they are getting from the middle class on tax cuts for big corporations and the superrich. To be clear, it is a \$1.3 trillion hike on middle-class families.

Now, there is a compromise on State and local deductibility that has been floated in the press. It is hardly much better. The Republicans are talking about continuing to allow State and local deductibility for property taxes but not income and sales taxes. That

compromise raises \$900 billion, meaning that Republicans, even with the compromise, are instituting nearly a trillion-dollar tax hike on working families to pay for breaks at the very top.

No matter how they construct this compromise, Republicans are still socking it to the middle class and the upper middle class but this time picking winners and losers. Sales taxes hit consumers the hardest. Ending the State and local deductibility for sales tax would fall on the backs of working-class and middle-class Americans, particularly in States like Tennessee, Florida, and Nevada, which don't have an income tax but have a large sales tax. States like Chairman BRADY's, Texas, on the other hand, which have very high property taxes, would be much better off.

Worse still, the tax hike from this so-called SALT compromise would heap pressure on State and local governments across the country to make the agonizing decision about whether to raise taxes or cut spending for services—education, law enforcement, hospitals, highway building—on which their middle-class constituents rely.

A warning to my Republican colleagues from high sales tax States like Tennessee, Florida, and Nevada and high-income States—a lot of Republican Congressmen in those States of New York, New Jersey, California, Minnesota, Virginia, Colorado—that this State and local compromise will not solve your problem. The compromise does not solve your problem. It will still hit your constituents right in their wallets.

Now, another debate on the other side of the aisle is how to cap Americans' pretax contributions to their 401(k) plans. Can you believe it? Here in America, where we want to help the middle class save, where we want to encourage savings, we are making it harder? In layman's terms, here is what our Republican colleagues want to do. They want to tax your 401(k)s. I can't believe my Republican friends are even considering such a bad idea. We have had bipartisan support on expanding the ability to retire, particularly now that so many companies are no longer giving pensions.

Giving Americans the ability to put away pretax dollars for their retirement is one of the few provisions in our Tax Code that encourage early savings. Capping the amount Americans can contribute pretax or, in other words, turning every 401(k) into something more like a Roth IRA, will discourage Americans from saving and handicap their ability to retire with dignity and security now that defined benefit plans are declining.

For years, we Democrats—often joined by Republican colleagues—have fought for policies that would make 401(k)s more attractive, provide greater benefits—in other words, the exact opposite of what the Republican leadership is considering. We have put for-

ward proposals on autoenrollment, increasing incentives for businesses that enroll workers and match contributions and letting small businesses pool together to offer plans. Each of these ideas would encourage more Americans, particularly younger families who have great burdens on them, to start saving early for retirement, which everyone agrees is essential to building up enough of a nest egg to live out your golden years in some degree of dignity and comfort.

The Republican proposals say to every future retiree that they don't care about your ability to retire. They just want to get your tax revenue into Federal coffers as soon as possible so they can give a tax break to the very wealthy—that top 1 percent.

The contrast could not be clearer. Democrats want to expand and enhance 401(k) plans, not cut them and cap them. That is a better deal for American workers and for middle-class families.

So instead of this one-party, secretive approach, Democrats and Republicans should be meeting with each other, talking about tax reform in a bipartisan setting to forge a bipartisan proposal. That is what committees were designed to do. That is what regular order was designed to produce. Just like on healthcare, our Republican friends are straining the legislative traditions of this body and risking their ability to govern effectively—we saw what happened with healthcare—by going at it alone.

The American people expect more of their elected officials than that of an assembly line of partisan legislation, crafted in secret, considered with such haste. I know why our Republican colleagues want to rush this through. They know the more the American people learn about this bill, the more it favors the wealthy over the middle class, the less they will like it. Just like with healthcare, once this bill is unveiled—now only 30 percent of the American people support it and even fewer will. Maybe our Republican colleagues will see the light and work with us to get good tax reform that focuses on the middle class, not on the top 1 percent.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the